

City of Chattanooga SUBDIVISION REGULATIONS

ARTICLE 2 - Subdivision Procedure

201 - GENERAL PRINCIPLES

Any person desiring to subdivide any lot, tract or parcel of land, or to change or rearrange any line dividing two or more lots, tracts or parcels of land within the City of Chattanooga shall comply with the procedures established in these regulations; except for those cases exempted in Art. 1, Section 105.2.1. (Amended 3-16-81)

201.1 - The developer or surveyor or surveyor/engineer is urged to consult with the Planning Commission staff in the earliest concept stages of development, particularly if the developer plans a large or staged subdivision. A rough sketch showing the topography, general alignment of proposed streets, drainageways and existing utilities, etc., may enable the staff to point out potential problems that can be solved easily before extensive work is done. (Amended 3-16-81)

201.2 - Soil Study

The Health Department may require a soil study for any subdivision that is not proposed to be connected to a sanitary sewer system. The developer or surveyor or surveyor/engineer should consult with the Health Dept. to determine if a soil survey is needed. (Amended 3-13-95)

202 - MAJOR SUBDIVISIONS

202.1 - Standard Procedure

The developer shall submit the required number of preliminary plats and final plats to the Planning Commission staff. The deadline for the submittal of both the preliminary and the final plat is the 10th calendar day of the month for the plat to be acted upon by the Planning Commission at the next month's Planning Commission meeting. If the 10th day of the month falls on a weekend or a holiday, the deadline is the next working day.

202.2 - Special Procedure

In special situations the developer or surveyor or surveyor/ engineer may elect to submit the preliminary plat and the final plat simultaneously. The two plats may be approved simultaneously if the Health Department, the governmental engineer, the Planning Commission staff, and all other affected agencies and/or utilities have no objections. Generally, this procedure will apply only if:

- a. The soil survey (if required) has been submitted with the plat, and
- b. the streets (if any) have been rough graded.

Any developer proposing to use this Special Procedure should consult or have his surveyor or surveyor/engineer consult with the Planning Commission staff at an early stage. (Amended 3-16-81)

202.3 - Planning Commission Action

The Planning Commission will act to approve, deny, defer, or conditionally approve the preliminary and final plats. The developer and the subdivision surveyor or engineer/surveyor will be notified of the Planning Commission's action. (Amended 3-16-81)

The Planning Commission can not defer action on a subdivision unless the developer has agreed to such a deferral.

202.4 - Effect of Approval of the Preliminary Plat

Approval of the Preliminary Plat does not constitute approval of the subdivision, nor does it guarantee approval of the final plat. Approval of the preliminary plat indicates general approval of the arrangement of streets, lots, and drainage as a guide to the preparation of the final plat.

After the approval of the preliminary plat, and after consultation with the governmental engineer, the developer may start construction of the streets and other improvements.

202.5 - Reasons for Denial of a Plat

The Planning Commission may deny a plat for any of the following reasons:

- a. failure of the plat to conform to the standards set out in these regulations,
- b. approval of the plat would be detrimental to the public safety, health, or general welfare,
- c. approval of the plat would not be in the best interest of the local government.

203 - SPECIAL REQUIREMENTS

203.1 - Streets Graded and Staked

If required by the Planning Commission in its approval of the Preliminary Plat, the streets in the subdivision shall be rough graded and staked before the Final Plat is submitted. The streets shall have off-set stakes with station numbers, or lot corner stakes with lot numbers on every-other lot corner on one side of the street.

203.2 - Deed Restrictions, Protective Covenants and Home Owners Association

If applicable, the Planning Commission may require that one copy of deed restrictions, protective covenants, and/or the document setting up a home owners association that the developer proposes to impose on the subdivision be filed with the final plat.

203.3 - Geologic Survey

If applicable, the Planning Commission may require that a geologic survey be made of the subdivision and that the geologic survey be submitted to the Planning Commission staff before the Planning Commission proceeds with the review process.

204 - ADMINISTRATIVELY APPROVED SUBDIVISIONS

204.1 - Limits of Applicability

For a subdivision to qualify for an administrative review and approval, the following requirements must be met:

1. The subdivision must front on an existing accepted public street and must not require construction of any new public streets, except that subdivisions with three or less lots obtaining access by means of an easement may be administratively approved.
2. The subdivision must contain no adverse topography, drainage or soil conditions.
3. The subdivision must not require the extension of public water or sewer lines.
4. The subdivision must not require a variance from the adopted subdivision regulations of the community.
5. The staff shall have the right and responsibility to withhold administrative approval and refer plats to the attention of the Planning Commission in any situation where the various reviewing agencies, utilities or other interested parties are in disagreement; or in cases involving unusual land features or patterns of development.
6. The proposed subdivision must not contain three (3) or more contiguous flag lots to be platted by a single developer or his assigns. (Amended 3-13-95)

204.2 - Procedure for Administratively Approved Subdivisions

204.2.1 - The plat is drawn to final plat standards

204.2.2 - Two (2) copies are submitted to the Planning Commission staff. There is no deadline for this kind of plat.

204.2.3 - The staff reviews the plat and a copy marked with required changes and utility and/or agency approvals is returned to the developer, surveyor or appropriate person.

205 - ADMINISTRATIVELY APPROVED SUBDIVISIONS WITH VARIANCES

205.1 - Limits of Applicability

205.2 - Procedure

205.2.1 - The plat is drawn to final plat standards.

205.2.2 - Two copies of the plat are submitted to the Planning Commission staff by the 24th of any month for the next month's Planning Commission meeting. If the 24th falls on a weekend or holiday the deadline is the next working day.

205.3 - Planning Commission Action

The Planning Commission will act to approve, deny, defer or conditionally approve the plat. The developer and subdivision engineer/surveyor or surveyor will be notified of the Planning Commission's action. (Amended 3-16-81)

206 - CORRECTIVE PLATS

206.1 - Purpose

To facilitate the re-recording of existing plats with minor corrections or amendments.

206.2 - Qualifications for Corrective Plat

- Minor shifting lot lines
- The addition or changing of easements
- Changes in notations on the original recorded plat
- Any other changes which will not increase the number of lots or their suitability for development.

206.3 - Corrective Plat Procedure

206.3.1 - Two copies are submitted to the Planning Commission staff. There is no deadline for this kind of plat.

206.3.2 - The staff reviews the plat and a copy marked with required changes and approvals is returned to the developer, surveyor or appropriate person.

206.4 - Corrective Plat Requirements and Revised Plat Requirements

The following are the minimum requirements for a corrective plat:

206.4.1 - Subdivision Name that reflects the change, (e.g. Re-sub-division of lots 25 through 29 and lots 43 and 44, Highland Estates).

206.4.2 - Purpose statement that tells exact purpose of the plat and/or change, (e.g., Purpose of Plat: To abandon and show new property lines between lots 25 through 29, and to abandon the drainage easement and relocate it as shown in lots 43 and 44. See ROHC book _____, Page _____ for previous recording and for other notes and restrictions).

206.4.3 - Vicinity Map

206.4.4 - Certification of Ownership, address(es) and signature(s) of all property owners involved.

206.4.5 - Certification of Accuracy of Survey, seal, address and signature of plat surveyor.

206.4.6 - Plat labeled Corrective Plat or Revised Plat

206.4.7 - The property lines of all adjoining property shall be shown with dashed lines. For adjoining subdivisions, show the full name of the subdivision, ROHC book and page numbers, and the lot numbers (dashed). For other adjoining property, show the owner(s) name(s); and the ROHC deed book and page number in which the property is recorded.

206.4.8 - Dimensions, bearings, error of boundary closure, survey functions, source of water supply, utility easements, drainage easements, lot numbers, etc., if applicable.

206.4.9 - Additional Information -- (e.g., power, telephone, gas, water, environmental health service, etc.) may be required and/or approved prior to submittal of the plat and/or recording.

206.4.10 - Deed book and page number of the property subdivided.

206.4.11 - Graphic Scale, North Point, Date

206.4.12 - Show the parcel number, including map sheet number and group identifier, for all parcels which are being subdivided or joined in the plotted area. This is generally referred to as the "Tax Map Number" (Added 3-13-95)

206.4.13 - Show the location and file number of existing sanitary sewer lines on or adjacent to the site. If sanitary sewers are available to all lots, note "Sewer Available" (Added 10-12-98)

> **206.4.14** - Show a measured distance to a recognizable point such as a street intersection, landmark, survey monument, ground positioning system reference, etc. (Added 1-13-97)

206.4.15 - Show any road intersection within 100' of the site (Added 1-13-97)

206.4.16 - Submit closure data on the boundary of the property being subdivided to the City Engineer's Office. (Added 10-12-98)

206.4.17 - The Corrective or Revised Plat shall be drafted so that good, clear, legible prints, copies or negatives can be made. Special attention should be given to the selection of patterned films that may interact with some reproduction methods. Dot patterns or dot shading should not be used on plats. The Planning Agency staff may refuse to accept any plat that it deems illegible or likely to generate inadequate reproductions. (Added 10-12-98)

206.4.18 - Add the following note: "City Ordinance No. 9942 entitled "Stormwater Run-off and Erosion Control" shall apply to any discharge of same from this subdivision of property. (Added 3-13-95)

207 - TRANSPARENT COPY OF THE FINAL PLAT OR CORRECTIVE PLAT OR REVISED PLAT AND OTHER COPIES TO BE RECORDED

207.1 - Requirement OF Submittal (Amended 10-12-98)

207.1.1 - All plats shall have a minimum .004" thick transparent plastic film copy made by xerographic methods and printed in reverse on the back side of the material submitted to the Planning Agency staff. Plats cannot be stamped unless this type of material is submitted.

207.1.2 - In addition to the minimum .004" thick transparent plastic film copy made in the way specified in Section 207.1.1 above, the Registrar requires that there be at least three other copies with original signatures. One of these other copies can be on any transparent material and two can be black line paper or xerographic copies or all three other copies can be black line paper or xerographic copies.

207.1.3 - In addition to the transparent plastic film copy and other copies to be recorded, those plats prepared using computer aided drafting or otherwise available in electronic form are to be submitted to the City Engineer's Office on a 3.5 inch MS-DOS formatted 1.44 Megabyte capacity disk (or disks, as required) in one of three formats: AutoCAD Version 13 or earlier, MicroStation Version 95 or earlier or Arc/Info Version 7 or earlier.

207.2 - Time of Submittal (Amended 10-12-98)

The transparent plastic film copy and other copies to be recorded for a Major Subdivision or an Administratively Approved Subdivision with Variances are submitted after the Planning Commission has approved the final plat. The transparent plastic film copy and other copies to be recorded for an Administratively Approved Subdivision, a Corrective Plat or a Revised Plat are submitted at any time after the approvals and changes required by the Planning Commission staff have been done.

207.3 - Procedure

207.3.1 - The Planning Commission staff reviews the minimum .004" thick transparent plastic film copy made by xerographic methods and printed in reverse on the back side and other copies to be recorded and stamps them.

207.3.2 - The transparent plastic film copy and other copies to be recorded are circulated for signatures by the Health Department, if necessary, and the City engineer, or their designated representatives.)

207.3.3 - Before the governmental engineer can sign the transparent plastic film copy and other copies to be recorded, he or his designated representative shall determine that the improvements have been installed and accepted in accordance with the final plat and with the standards of the local government; or that an appropriate bond has been posted with the local government. The City Engineer or his designated representative shall also determine that the closure data on the boundary of the property being subdivided has been submitted, that the electronic disk or disks, if required, have been submitted and that street names shown are correct.

207.3.4 - If all of the lots are served by existing, functioning public sanitary sewers or public sanitary sewers to be installed or bonded by the developer before the plat is recorded, the Health Department does not sign the copies to be recorded. If the above does not apply, the Health Department must sign the transparent plastic film copy and other copies to be recorded before they can be recorded. If the Health Department must sign the transparent plastic film copy and other copies to be recorded, then, before the Health Department can sign the transparent plastic film copy and other copies to be

recorded, the Health Department officer shall determine that all conditions necessary to protect the public health have been complied with, including, but not limited to, State Health Department Regulations and the Regulations of Hamilton County in relation to sanitary sewage disposal.

207.3.5 - The transparent plastic film copy and other copies to be recorded are signed by the Secretary of the Planning Commission, or his designated representative.

207.3.6 - Before the Secretary of the Planning Commission or his designated representative can sign the transparent plastic film copy and other copies to be recorded, the Secretary or his designated representative shall determine that the transparent plastic film copy and other copies to be recorded has been duly signed by the Health Officer, if necessary, and the City Engineer or his designated representative, and the transparent plastic film copy and other copies to be recorded are in substantial conformance with the approved corrective, revised or final plat.

207.3.7 - The transparent plastic film copy and other copies to be recorded are taken to the Registrar's office and recorded. The Registrar keeps the transparent plastic film copy and two paper copies and returns the other copy or copies.

207.3.8 - The required number of additional paper copies (Presently this is five (5) copies although this is subject to change) are made from the copy returned by the Registrar or other source and taken to the Planning Agency staff.

208 - PERFORMANCE AND MAINTENANCE BONDS

208.1 - Performance Bonds

If all of the improvements have not been installed or completed, and the developer wishes to record the plat, the governmental engineer, at his discretion, may waive the requirement that the developer complete and dedicate all public improvements prior to the signing of the plat, and require the developer to post a corporate surety bond, or a cash bond, or a cashier's check with the Governmental Engineer in an amount as determined by the Governmental Engineer which will be sufficient to secure to the local government the satisfactory construction, installation, and dedication of the incomplete portion of the required improvements. The performance bond shall also secure all lot improvements. The performance bond shall also secure all lot improvements on the individual lots of the subdivision as required in these regulations and on the plat. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the local government attorney as to form, sufficiency, and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the local governmental engineer and shall be incorporated in the bond, and shall not in any event exceed two (2) years from date of final plat approval by the Planning Commission.

Such bond shall be approved by the Governmental Engineer as to amount and surety and conditions satisfactory to the Governmental Engineer. Upon Proof of Difficulty, the local Governmental Engineer may extend the completion date set forth in such bond for a maximum period of two (2) additional years.

The performance bond shall be released when the street(s) is accepted and when the other construction, installation and dedication is completed.

208.2 - Road Maintenance Bonds

The owner/developer shall, upon completion of the subdivision, furnish the City Engineer a bond as surety for one year for the maintenance of the roadway. The effective date of this bond shall begin with the final inspection and acceptance of the roadway. This bond shall be in an acceptable form approved by the City Attorney's office. (Added 3-13-93)

208.3 - Drainage/Stormwater Facilities Maintenance Bonds

The owner/developer shall upon completion of the subdivision, furnish the City Engineer a bond as surety for the maintenance of any drainage/Stormwater facilities. The effective date of this bond shall begin with the final inspection and acceptance of the drainage/Stormwater facilities. This bond shall be in an acceptable form approved by the City Attorney's office. (Added 3-13-93)

209 - INSPECTION

209.1 - The Governmental Engineer, or his designated representative, shall be responsible for inspecting roads, drainage structures, drainage ways or easements, etc., to assure proper completion and construction of all improvements in accordance with the plat and these regulations.

209.2 - The Governmental Engineer may appoint such inspectors as he may desire. Inspection will be extended to all parts of the work and to the preparation and manufacture of the materials to be used. An inspector is placed on the work to keep the governmental engineer informed as to the progress of construction and the manner in which it is being done; also to call to the attention of the contractor any infringement upon the plans and specifications.

209.3 - The inspectors will have authority to reject defective material and to suspend any construction that is being improperly done. The inspectors will not be authorized to revise, alter, enlarge or relax the provisions of these regulations, nor will they be authorized to approve or accept any portion of the completed work not in accordance with plans and specifications.

209.4 - The Contractor may request written instructions from the Governmental Engineer upon any important items which lie within the inspector's jurisdiction.

209.5 - Where, in the opinion of the Governmental Engineer, or called for in the specifications, tests of material shall be made by and at the expense of the Contractor unless otherwise provided. Tests, unless otherwise specified, are to be made in accordance with the latest standard methods of the American Society for Testing Materials. The Contractor shall provide such facilities as the Governmental Engineer may require for collecting and forwarding samples and shall not use the materials represented by the samples until tests have been made. The Contractor, in all cases, shall furnish the required samples without charge.

209.6 - The contractor shall furnish the Governmental Engineer with every reasonable facility for ascertaining whether or not the work as performed is in accordance with requirements and intent of the approved subdivision plans. If required by the Governmental Engineer, the Contractor shall at any time before acceptance of the work, remove or uncover such portions of the finished work as may be directed for inspection. After inspection, the Contractor shall restore said portions of the work to the conditions required by the specifications. Any work done or materials used without suitable supervision or inspection by the Governmental Engineer (inspector) may be ordered removed and replaced at the Contractor's expense. The Governmental Engineer shall inspect the work of the Contractor as soon as practical after notice (written notice preferred) to the Governmental Engineer.

209.7 - Work done without lines and grades having been given; work done beyond the lines or not in conformity with the grades shown on the plans or as given; work done without proper inspection will be done at the Contractor's risk and, at the Governmental Engineer's option, may be rejected. Upon failure by the Contractor to satisfactorily repair or to remove and replace, if so directed, rejected or condemned work or materials immediately after receiving notice from the Governmental Engineer, the Governmental Engineer shall, after giving written notice to the Contractor, have the authority to reject the work.

209.8 - The Governmental Engineer shall make or cause to have made final inspection of all work in the contract or any portion thereof as soon as practical after the work is completed and ready for acceptance. If the work is not acceptable to the Governmental Engineer at the time of final inspection, he shall inform the Contractor as to the particular defects to be remedied before final acceptance can be made.

210 - EFFECT OF APPROVAL AND RECORDING OF FINAL PLATS

Final approval, signing of the "craflex", and recording of the plat in the Registrar's Office shall not be an acceptance by the public or governmental jurisdiction of the offer of dedication of any street, or other public way, or open space shown upon the Final Plat.

The effect of recording of the plat is for recording purposes only. Recording enables the developer to sell lots subject to any conditions specified or referred to on the plat and subject to existing zoning, and subdivision regulations.

211 - ISSUANCE OF BUILDING PERMITS

The receipt of a stamped copy of the recorded Final Plat by the Engineering Information Center authorizes those offices to issue building permits for structures within the recorded subdivision, subject to certain conditions shown or noted on the plat.

212 - PLAT EXPIRATION

All plat approvals by the Planning Commission expire two years after Planning Commission action unless the plat is recorded or other plats of the same area are submitted within two years. (Added 3-13-95)